

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

JUNE 15, 2004

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, June 15, 2004 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 8:35 a.m. by Acting Chairman Robert Stephen

Present: Commissioners Robert Stephen, Pauline Ikawa, Nancy LeRoy, Barbara Heath, Executive Director Beth Emmons, and Investigator Ann Flanagan.

- I. Motion by Commissioner LeRoy, seconded by Commissioner Ikawa, to approve and accept the minutes of the Commission meeting held on May 18, 2004.

II. **APPOINTMENTS**

8:30 a.m. - Equivalency Interviews

The following candidates were interviewed by Commissioners Stephen, Ikawa, LeRoy and Heath:

<u>CANDIDATE</u>	<u>DETERMINATION</u>
LESLIE BLACK	APPROVED
CHRISTINE PELLETIER	APPROVED
JOHN KEHAIAS	APPROVED
JAMES BURKE	APPROVED
KATHLEEN ABEL	DENIED

9:12 a.m. LINDA MAYO – appeared before the Commission to request a waiver of the educational requirements for licensure based on the fact that she is licensed in Vermont by reciprocity and licensed by examination in Connecticut, and based on her past real estate education and experience. After review and discussion, the Commission stated that it does not have jurisdiction to grant such waiver under RSA 331-A, and based on the fact that the license in the reciprocal state of Vermont does not meet the criteria of the reciprocity agreement with New Hampshire, Ms. Mayo would be required to fulfill the educational requirements and pass both the state and national portions of the NH real estate examination.

9:20 a.m. JEFFREY ANAGNOS appeared before the Commission to explain a "yes" answer to question #8 on his original broker's application. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission unanimously decided to allow Mr. Anagnos to apply for his broker license.

9:30 a.m. DEBORAH MARTIN appeared before the Commission to explain a previous legal incident prior to applying for an original salesperson's license. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission unanimously decided to allow Ms. Martin to apply for a salesperson's license once the Commission receives a letter from her principal broker notifying the Commission that he or she is aware of Ms. Martin's previous legal incident.

9:35 a.m. ANGELA REMILLARD appeared before the Commission to explain a previous legal incident prior to applying for an original salesperson's license. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission unanimously decided to allow Ms. Remillard to apply for a salesperson's license, once the Commission receives a letter from her principal broker notifying the Commission that he or she is aware of Ms. Remillard's previous legal incident.

III. DISCUSSION

DEE BINGHAM submitted a request for clarification from the Commission as to whether it is permissible to make an offer to purchase contingent on the buyer agent's commission rate to be paid by the seller. After review and discussion, the Commission did not make a determination based on the fact that the matter does not fall under the Commission's jurisdiction of RSA 331-A.

FILE NO. 2004-001- The Complainant of File No. 2004-001 submitted a request to the Commission to withdraw his complaint in this case without prejudice. After review and discussion, the Commission unanimously voted to accept the withdrawal. The parties to the Complaint to be so notified.

LAURA HALLAHAN of Country Houses submitted additional evidence for File No. 2003-06-02 for the Commission's consideration. After review and discussion, the Commission did not accept the additional evidence based on the fact that the matter of the case had already been heard and the Commission had deliberations on the matter.

IV. **OTHER BUSINESS**

1. Tuesday, July 20, 2004, was unanimously approved as the date for the next regular meeting.

2. CASE EVALUATIONS

(a) **FILE NO. 2003-10-02**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(b) **FILE NO. 2004-002**

Evaluator: Commissioner LeRoy

Determination: Should be heard, hearing to be scheduled.

V. **HEARING 9:45 AM**

FILE NO. 2003-05-03 NEW HAMPSHIRE REAL ESTATE COMMISSION VS JOHN R. ROBERGE

Evaluator: Commissioner LeRoy

The following persons were present at the hearing:

Commission: Commissioners Robert Stephen, Pauline Ikawa, Barbara Heath, Executive Director Beth Emmons and Investigator Ann Flanagan.

Stenographer: Harry McKenna

Nolin, McKenna and Duffy Reporting
Associates
P.O. Box 1658
Dover, NH 03821

Evaluator: Commissioner LeRoy evaluated the above matter and abstained from participation in the discussion and resulting decisions. Commissioner Slattery was not present at the hearing and abstained from participation in the discussion and resulting decisions.

Complainant: N.H.R.E.C. through its Investigator Ann Flanagan

Attorney: Pro Se

Witnesses: None

IV. **OTHER BUSINESS**

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Evaluator: Commissioner LeRoy

The following persons were present at the hearing:

Commission: Commissioners Robert Stephen, Pauline Ikawa, Barbara Heath, Executive Director Beth Emmons and Investigator Ann Flanagan.

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Nolin, McKenna and Duffy Reporting
Associates
P.O. Box 1658
Dover, NH 03821

Evaluator: Commissioner LeRoy evaluated the above matter and abstained from participation in the discussion and resulting decisions. Commissioner Slattery was not present at the hearing and abstained from participation in the discussion and resulting decisions.

Complainant: N.H.R.E.C. through its Investigator Ann Flanagan

Attorney: Pro Se

Witnesses: None

Respondent: John R. Roberge

40 Alice Drive #18
Concord, NH 03301

Attorney: John S. Krupski

Cook & Molan, P.A.
100 Hall Street
P.O. Box 1465
Concord, NH 03302-1465

Witnesses: None

DECISION: Pending – subject to review of transcripts and exhibits.

VI. **HEARING 11:30 AM**

FILE NO. 2003-03-05 WAYNE AND MAUREEN DEKONING & NEW HAMPSHIRE REAL
ESTATE COMMISSION VS LEIGH BOSSE (CENTURY 21 RED COAT REALTY)

Evaluator: Commissioner LeRoy

The following persons were present at the hearing:

Commission: Commissioners Robert Stephen, Pauline Ikawa, Barbara Heath, Executive Director
Beth Emmons and Investigator Ann Flanagan.

Stenographer: Harry McKenna

Nolin, McKenna and Duffy Reporting
Associates
P.O. Box 1658
Dover, NH 03821

Evaluator: Commissioner LeRoy evaluated the above matter and abstained from participation in the
discussion and resulting decisions. Commissioner Slattery was not present at the hearing and
abstained from participation in the discussion and resulting decisions.

Complainants: Wayne and Maureen DeKoning

1 Goodell Road
Antrim, NH 03440

&

N.H.R.E.C. through its Investigator Ann Flanagan

Attorney: Pro Se

Witnesses: Raymond and Barbara Grimard

Respondent: Leigh Bosse (Not Present at the Hearing)

Century 21 Red Coat Realty
246 West Main Street
P.O. Box 2100
Hillsborough, NH 03244

Attorney: George T. Campbell, III (Not Present at the Hearing)

Robert Stein & Associates, PLLC
One Barberry Lane, P.O. Box 2159
Concord, NH 03302-1129


Witnesses: None

DECISION: Pending – subject to review of transcripts and exhibits.

VII. **ADJOURNMENT**

Motion by Commissioner LeRoy, seconded by Commissioner Heath to adjourn the meeting. Acting Chairman Stephen adjourned the meeting at 12:40 a.m.

Respectfully submitted,


Barbara Heath
Clerk